

#12
cont'd
75. (new) The system of claim 48 wherein the user interface includes a console displaying text or graphics.

76. (new) The system of claim 48 wherein the console comprises a display of a computer, phone, or handheld device.

77. (new) The system of claim 48 wherein the software is configured to provide access to the collection of results to vendors of the commodity.

78. (new) The system of claim 48 wherein the software is configured to provide access to the collection of results to the users of the commodity.

79. (new) The system of claim 48 wherein the software is configured to provide access to the collection of results to third parties. --

REMARKS

Applicant's remarks below are preceded by quotations of relevant remarks of the examiner in bold-face, small type.

3. Applicant's arguments filed 10 October 2000 have been fully considered but they are not persuasive. Specifically, as per Claim 59 which was rejected under 112 2nd as being indefinite because it was unclear how the telephone keypad of line 4 is part of the television of claim 10, from which it depends. The language of Claim 48 lines 4-8 requires that the two-way interface be part of the commodity. If the commodity is a television, then the keypad or remote must be associated with the television, not a separate unit such as a set top box or a telephone keypad, which are well known in the art, see Von Kohorn (5,227,874). Applicant states that such structure was deliberately omitted to not limit further the invention. This is seen to be a claim similar to claim 52, which was objected under 37 CFR 17c as not further limiting the subject matter of the claims from which it depends. And as stated in that rejection, the medium for two-way interaction cannot be both part of the commodity, as required by claim 48, and not part of the commodity.

4. Claim 59 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 48, line 4 states "a user interface which is part of each of the two-way units..." while claim 59 states "receiving answers from the user expressed through a keypad, a hand-held remote or a telephone keypad." The user interface cannot be both part of the unit, as the keypad or remote which are a part of the television, as required by claim 48 and not part of the unit, as a telephone keypad.

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5. Claim 59 is rejected under 35 U. S. C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear how the telephone keypad of line 4, is part of the television of claim 57 from which it depends.

6. Claim 59 is rejected under 35 U. S. C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the relationship between the user interface which is part of each of the units of the commodity, claim in this a television, and a telephone keypad, which is obviously part of a telephone and not a part of a television..

Applicant does not agree with or accede to the examiner's interpretation of claims 48 and 59, but, for convenience, has amended claim 59 to eliminate the examiner's concern.

Applicant asks that all claims now be allowed. A check for the excess claims fees is enclosed. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

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